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1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
(IEPA)

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IN RE: VEOLIA ES TECHNICAL SOLUTIONS AIR PERMIT,

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EPA PUBLIC HEARING IN THE MATTER OF  
VEOLIA ES TECHNICAL SOLUTIONS AIR PERMIT  
FEBRUARY 19, 2013

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1 BEFORE THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
(IEPA)

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5 IN RE: VEOLIA ES TECHNICAL SOLUTIONS AIR PERMIT,

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8 A Public Hearing was held in the aforementioned  
matter on the 19th day of February, 2013, between  
9 the hours of 3:00 o'clock in the afternoon and 6:51  
o'clock in the evening, at the Southern Illinois

10 University Edwardsville, East St. Louis Higher  
Education Campus, Building B, Room 2083, in East St.

11 Louis, Illinois, before Pamela K. Needham, CCR, CSR  
(MO, IL) and Notary Public, in a certain matter now

12 pending before the BEFORE THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY (IEPA) In the Matter of VEOLIA ES  
13 TECHNICAL SOLUTIONS AIR PERMIT.

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1 APPEARANCES :

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THE HEARING OFFICER:

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Ms. Janet Pope

4 Community Involvement Coordinator  
U.S. Environmental Protection Agency

5  
6

FOR THE ENVIRONMENTAL PROTECTION AGENCY:

7

Ms. Genevieve Damico

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11

12 ALSO PRESENT FROM THE EPA:

13  
14 David Ogulei  
Andrea Morgan  
15 Environmental Engineers  
16 Francisco Arcaute  
Media Relations Specialist  
17  
18  
19 The Court Reporter:  
20 Pamela K. Needham, IL CSR, MO CCR  
Midwest Litigation Services  
21 711 North 11th Street  
St. Louis, MO 63101  
22 314-644-2191  
23  
24  
25

0005

1 (On the record at 3:12 p.m.)  
2 P R O C E E D I N G S  
3 HEARING OFFICER POPE: Good afternoon,  
4 everybody. My name is Janet Pope, and I'm a  
5 Community Involvement Coordinator with the U.S.  
6 Environmental Protection Agency. I will be serving  
7 as the Hearing Officer for today's hearing. A court  
8 reporter is here, she's making a transcript -- a  
9 transcript of everything that is said here today,  
10 and that transcript will become part of the official  
11 Agency Administrative record on this facility.  
12 We have four people here from the EPA  
13 today. We have Genevieve Damico, who is the Chief  
14 of the Air Permits section of the EPA. We have  
15 David Ogulei and Andrea Morgan, who are  
16 environmental site engineers with the EPA, they're  
17 in the back. We also have Francisco Arcaute, who is  
18 a media relations specialist at the EPA. Everybody  
19 is from Chicago, from the Illinois office of the  
20 EPA.  
21 We are here today to share  
22 information and to listen to your questions and  
23 comments regarding the EPA's draft operating permit  
24 that EPA is proposing to issue to Veolia ES  
25 Technical Solutions, LLC, located in Sauget,

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1 Illinois. Today's hearing will have two parts. In  
2 the first part, Genevieve Damico will provide an  
3 overview of the draft permit. Second, we'll take  
4 public comments for the record. However, we will  
5 not respond to questions or comments today.  
6 All persons wishing to speak during  
7 this hearing should let us know by filling out a  
8 blue index card with your name. When your name is  
9 called, please state your name, then spell your last  
10 name for the court reporter. If you have written  
11 comments but do not wish to speak, please give them  
12 to me before you leave. So that everyone who wishes

13 to comment has a chance to do so, please limit your  
14 comments to two minutes. At the one and a half  
15 minute mark, I will ask you to please conclude. At  
16 this time you will have 30 seconds to conclude. If  
17 you have not finished at that time, I will ask you  
18 to release the floor to the next commenter. After  
19 everyone has gotten a chance to comment, and if time  
20 is still available, you may return and finish your  
21 comments, or you may submit your remaining comments  
22 to me on paper.

23 Please remember to repeat your last  
24 name and spell it for the court reporter.

25 We will not be holding an informal

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1 question and answer session as part of this hearing.  
2 Any testimony received at this hearing, along with  
3 any written comments received by the end of the  
4 comment period, will be part of the official record  
5 for this permit. The EPA has prepared a fact sheet,  
6 which is available here today. The fact sheet and  
7 other documents in the record for this permitting  
8 action provide details about the permit and also  
9 explain how you may file written comments. You can  
10 find the record for this permitting action at  
11 [www.regulations.gov](http://www.regulations.gov), Docket ID  
12 EPA-R05-OAR-2012-0649.

13 Before we start, I would like to make  
14 an announcement regarding the comment period. The  
15 EPA has extended the comment period to April 1st,  
16 2013. Therefore, you will now have until April 1st  
17 to file your comments, and EPA will add any comments  
18 that we receive by midnight on April 1st to the  
19 permitting record.

20 So let the record show that it is  
21 3:16 p.m. on February 19th, 2013. This hearing is  
22 being held at the Distance Learning Lab, Room 2083,  
23 in Building B of Southern Illinois University  
24 Edwardsville - East St. Louis Higher Education  
25 Campus, 601 James R. Thompson Boulevard in East St.

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1 Louis, Illinois. This hearing is on the EPA's  
2 proposal of a draft operating permit for the Veolia  
3 ES Technical Solutions, LLC, located in Sauget,  
4 Illinois.

5 Legal notice of this hearing was  
6 published in the East St. Louis Monitor newspaper on  
7 January 10th, and in the Belleville News Democrat  
8 newspaper on January 11, 2013. Permit documents are  
9 publicly available at [www.regulations.gov](http://www.regulations.gov), Docket  
10 ID: EPA-R05-OAR-2012-0649, and information about the  
11 hearing was placed on EPA's website.

12 Next I will call the names of those  
13 who registered to speak today in the order that they  
14 registered. When I call your name, please come up  
15 to the front of the room, state your name and  
16 address, spell your last name, and identify any

17 company or organization that you're representing.  
18 But first, Genevieve Damico from EPA will give us an  
19 overview of the permit.

20 MS. GENEVIEVE DAMICO: Good afternoon,  
21 everybody. My name is Genevieve Damico, I'm the  
22 Chief of the Air Permits Section at the Chicago  
23 office of EPA. My staff prepared the draft permit  
24 that is the subject of today's hearing.

25 Veolia's Sauget, Illinois, facility

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1 is a treatment, storage and disposal facility which  
2 accepts waste for disposal through incineration.  
3 Veolia receives containers and bulk shipments of  
4 hazardous and solid waste; analyzes and transfers  
5 the waste to temporary storage facilities; and  
6 processes and incinerates it in three combustion  
7 units. The waste that Veolia receives is varied,  
8 and can contain differing amounts of hazardous  
9 material.

10 Veolia operates under a Clean Air Act  
11 Title V permit, because it is a major source of  
12 hazardous air pollutants emissions, and is subject  
13 to one of the National Emissions Standards for  
14 Hazardous Air Pollutants. As I will describe in  
15 more detail in a few minutes, EPA is proposing to  
16 use the significant modification procedures of Title  
17 V of the Clean Air Act to modify the Title V  
18 operating permit that EPA previously issued to  
19 Veolia ES Technical Solutions, LLC.

20 EPA issued a Title V permit to Veolia  
21 on September 12th, 2008, and the permit became  
22 effective on October 12th, 2008. Prior to issuing  
23 the permit, EPA reviewed historical metal feedrate  
24 data supplied by Veolia. The term "feedrate"  
25 describes the amount of waste that Veolia burns in

0010

1 its combustion units. EPA concluded that the data  
2 provided by Veolia was not reliable for determining  
3 feedrate limits (also called operating parameters  
4 limits, or OPLs) for heavy metals such as mercury,  
5 lead, cadmium, arsenic, chromium and beryllium.  
6 Feedrate limits set the maximum amount of specific  
7 types of waste - here, heavy metals - that Veolia  
8 can feed into its incinerators per hour.

9 Because EPA found the data  
10 unreliable, EPA issued Veolia's permit without  
11 including feedrate limits for mercury, lead,  
12 cadmium, arsenic, chromium or beryllium. However,  
13 as required by the federal regulations governing  
14 hazardous waste combustors, EPA included in the  
15 permit a compliance schedule that required Veolia to  
16 test all three combustors to develop feedrate limits  
17 for emissions of mercury, low-volatile metals (that  
18 is arsenic, chromium and beryllium) and  
19 semi-volatile metals (that is lead and cadmium).

20 The permit required that Veolia

21 submit its test results and proposed feedrate limits  
22 to EPA by September 26th, 2008. If EPA found the  
23 proposed limits acceptable, EPA would propose to  
24 reopen the permit to incorporate the limits  
25 developed in, from the required performance tests,  
0011

1 and would take public comment on the limits at that  
2 time.

3 Veolia conducted comprehensive  
4 performance tests in August and September of 2008.  
5 On October 10th, 2008, EPA -- or Veolia submitted to  
6 EPA the results of these tests, and an application  
7 for modification to its Title V permit to  
8 incorporate feedrate limits for mercury,  
9 semi-volatile metals, and low-volatile metals, as  
10 specified in the compliance schedule.

11 However, Veolia withdrew the  
12 modification application on December 13th, 2012,  
13 after receiving notice that EPA intended to deny the  
14 application and to reopen the permit to add feedrate  
15 limits that EPA considered to be supported by the  
16 available performance test data.

17 EPA is proposing to reopen the Title  
18 V Permit for Veolia using EPA's Clean Air Act  
19 authority to reopen permits for cause, to  
20 incorporate heavy metal limits that EPA considers to  
21 be supported by available performance test data.  
22 This reopening is necessary to ensure that the  
23 permit assures compliance with Title V of the Act  
24 and its implementing regulations at 40 C.F.R. Part  
25 71, and the National Emissions Standards for  
0012

1 Hazardous Air Pollutants, NESHAP, for Hazardous  
2 Waste Combustors, 40 C.F.R. Part 63, Subpart EEE.

3 EPA also is proposing to supplement  
4 monitoring requirements to assure compliance with  
5 the proposed feedrate limits.

6 Under the proposed monitoring terms,  
7 Veolia is required to install and operate a  
8 multi-metals Continuous Emissions Monitoring System,  
9 or CEMS, as one of -- on one of its incinerators,  
10 Unit 3, for at least one year. A multi-metals CEMS  
11 tests the air emitted during the incineration  
12 process to determine the amount of mercury,  
13 semi-volatile metals, and low-volatile metals in the  
14 air and reports the results approximately once every  
15 fifteen minutes.

16 The test results will help U.S. EPA  
17 ensure the feedrate limits in the permit are  
18 adequate to protect air quality. After a year of  
19 running the CEMS, U.S. EPA believes it will have  
20 enough information to determine if the feedrate  
21 limits are appropriate, and Veolia will not be  
22 required to use the multi-metals CEMS.

23 EPA has also proposed to improve  
24 Veolia's feedrate analysis procedures. The

25 additional analysis procedures proposed by EPA would  
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1 supplement any other analysis procedures for  
2 mercury, semi-volatile metals, and low-volatile  
3 metals, as specified in Veolia's Feedstream Analysis  
4 Plan, or FAP, and would supersede any less stringent  
5 provisions in the FAP.

6 Incorporation of the additional  
7 feedstream analysis procedures into the Title V  
8 permit would not eliminate Veolia's obligation to  
9 maintain an adequate FAP, consistent with federal  
10 regulations for hazardous waste combustors.

11 As Ms. Pope noted, we will not answer  
12 any questions or respond to any comments today,  
13 however, after the close of the comment period we  
14 will respond in writing to each written or oral  
15 comment filed today, and any comment submitted  
16 before the close of the comment period. Our  
17 responses will be contained in a Response To  
18 Comments document that we will distribute to each  
19 person who files comments or requests and receives a  
20 copy of the final permit. Please note that only  
21 portions of the permit that are being changed  
22 because of the proposed action are open for comment  
23 during the public comment period.

24 HEARING OFFICER POPE: Again, just  
25 restating, if you'd like to make a public comment,  
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1 you need to fill out one of these blue cards if you  
2 have not done so, you need to fill out one of these  
3 cards.

4 First commenter will be Kathleen  
5 Logan Smith.

6 MS. KATHLEEN LOGAN SMITH: This is going to  
7 be fun for your reporter because I'm mostly going to  
8 say whatever these people say. But I'm the Director  
9 of Environmental Policy with the Missouri Coalition  
10 For the Environment, and I wanted to -- my name is  
11 Kathleen Logan Smith, spelled just like it sounds,  
12 and I wanted to thank EPA Region 5 for opening this  
13 permit and for taking this opportunity to look at  
14 these feedrates, because we're dealing with an  
15 environmental justice community over here that's  
16 bearing more than their share of environmental  
17 pollutants, and I think that it's really important  
18 that we make sure that we've done everything that we  
19 can to make sure the Clean Act promises get  
20 delivered to this community.

21 So I'd also suggest that we look at  
22 putting CEMS monitors on all of the emissions  
23 sources, all of the stats, at least for a time, to,  
24 because sometimes the performance, you know, cannot  
25 be consistent across three different pieces of  
0015

1 equipment.

2 So that's all I have to say right

3 now, and we'll give more comments in writing. Thank  
4 you.

5 HEARING OFFICER POPE: Commenter Number 2,  
6 Kathy Andria.

7 MS. KATHY ANDRIA: Good afternoon. My name  
8 is Kathy Andria, A-N-D-R-I-A. I am president of  
9 American Bottom Conservancy and Conservation Chair  
10 of the Kaskaskia Group of the Sierra Club, both of  
11 which have members who live and recreate in East St.  
12 Louis and surrounding areas that lie downwind of the  
13 Veolia hazardous waste incinerator -- incinerator.

14 In 2004, both groups petitioned the  
15 EPA administrator -- administrator to object to the  
16 proposed Title V operating permit for the  
17 incinerator, then called Onyx. Our petition was  
18 successful. EPA did object, and now has oversight  
19 of the Veolia incinerator. In 2003 at the original  
20 Title V hearing, we brought the agency's attention  
21 to reports of a history of violations and accidents  
22 at the plant. We told you that the lakes at Frank  
23 Colton State Park lie not far downwind of the  
24 incinerator, and that a number of people use the  
25 lakes for subsistence fishing. We worried about  
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1 mercury emitted from the plant and being deposited  
2 in the lakes and by accumulating in the fish. We  
3 worried that other heavy metals from the incinerator  
4 could fall into area gardens and be consumed by  
5 residents or ingested by children playing in the  
6 dirt. Area yards had already shown high levels of  
7 heavy metals such as lead and cadmium. We have a  
8 high rate of cancer here, as well as elevated blood  
9 lead levels in area children. We are pleased that  
10 the EPA did a risk screening that substantiated  
11 claims we had made. There is still subsistence  
12 fishing at Frank Colton. Pregnant women and  
13 children consume that fish. Due to our economy,  
14 there are many more gardens in the area, and while  
15 some residents have moved away, there are still  
16 children who breathe the air and play in the dirt  
17 downwind of this hazardous waste incinerator. And  
18 we have just learned that elevated levels of PCB's  
19 have been newly discovered in yards in East St.  
20 Louis and Sauget.

21 We very much appreciate that you are  
22 proposing to require a Continuous Emissions  
23 Monitoring System for heavy metals on one of the  
24 incinerator units; what a wonderful start. But  
25 given the facility's long history of noncompliance,  
0017

1 we worry that the company will simply shift metal  
2 bearing waste streams to the other two units, and  
3 especially since you are proposing the CEMS for just  
4 a year, there are all sorts of ways for the company  
5 to game the results. We believe that a hazardous  
6 waste incinerator should never have been located in



7 the middle of an urban population, especially with  
 8 so many vulnerable low income folks. We understand  
 9 the need for such a facility, but not there. Not  
 10 here.

11 So unless you decide to close the  
 12 facility, we ask that you require CEMS on all three  
 13 units permanently.

14 We also appreciate that last year you  
 15 conducted an onsite compliance investigation and  
 16 found significant problems with Veolia's feedstream  
 17 analysis where a high percentage of Veolia's waste  
 18 stream profiles were found to be inaccurate. Veolia  
 19 vastly underestimated the actual metals  
 20 concentrations in the waste stream and appeared not  
 21 to have an accurate system of analyzing waste  
 22 streams at all. We ask that you require analyzing  
 23 each waste stream with full and accurate reporting.  
 24 While this hearing appears to be limited to heavy  
 25 metals, given your findings about Veolia's lack of  
 0018

1 compliance and failure to accurately analyze waste  
 2 streams, we hope that you can also give attention to  
 3 PCB's and the deadly toxins, dioxins and furans, and  
 4 given its history and your findings from last year,  
 5 please continue to do periodic inspections such as  
 6 the one last year. Either that, or close the  
 7 facility down. There are too many children, too  
 8 many families who may be impacted by this facility  
 9 if it is allowed to operate without monitoring,  
 10 without limits, without supervision. There are too  
 11 many children and too many families who already may  
 12 have been impacted.

13 Thank you for your consideration of  
 14 my comments, and I may have additional questions or  
 15 comments at a later time.

16 HEARING OFFICER POPE: I have a card up  
 17 here, I can't read the name, and I don't know if  
 18 it's Kathy or --

19 MS. KRISTHY ST. HILAIRE: Kristhy.

20 HEARING OFFICER POPE: Kristhy? What's the  
 21 last name?

22 MS. KRISTHY ST. HILAIRE: St. Hilaire.

23 HEARING OFFICER POPE: Okay. All right.  
 24 The next commenter is Kristhy St. Hilaire.

25 MS. KRISTHY ST. HILAIRE: My last name is  
 0019

1 St. Hilaire, S-T period, H-I-L-A-I-R-E.

2 Good afternoon. My name is Kristhy  
 3 St. Hilaire, and I'm student at the  
 4 Interdisciplinary Environmental Clinic at Washington  
 5 University School of Law. I'm speaking today on  
 6 behalf of the American Bottoms Conservancy. The  
 7 American Bottoms Conservancy is a nonprofit  
 8 organization that educates the public about threats  
 9 to the environment. The American Bottoms  
 10 Conservancy actively works to protect and preserve

11 the air and water quality of the American Bottoms  
12 area. The organization has over 100 members, with  
13 many living in the Sauget area.

14 First, I would like to thank the EPA  
15 for their hard work on the draft permit, and for the  
16 opportunity to comment at today's hearing.

17 As EPA noted in the Statement of  
18 Basis, the Veolia hazardous waste incineration  
19 facility is located in an urban area of more than 2  
20 million people. Most of the residents who live  
21 within three miles of Veolia are low income and  
22 minority, and a third of these residents are living  
23 below the poverty level and a minority rate of 68  
24 percent. These residents are disproportionately  
25 affected by the emissions from Veolia and other  
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1 industrial facilities in the area. This large  
2 concentration of industry gives rise to concerns  
3 over cumulative air quality impacts, and given the  
4 area's demographics and environmental justice  
5 concerns. Because of the potential adverse public  
6 health impacts from the cumulative emissions  
7 exposure, it's very important for regulators to  
8 mitigate the dangers of these polluting plants, and  
9 for these plants to strictly adhere to emissions  
10 limits for harmful pollutants.

11 In this action to reopen Veolia's  
12 Title V Permit, EPA is proposing to incorporate  
13 heavy metal feedrate limits based on historical  
14 feedrates and the feedrates from Veolia's 2008  
15 performance testing. We agree with this approach  
16 and believe EPA made the right decision when it  
17 denied Veolia's request to extrapolate to higher  
18 feedrate. Limits for low- and semi-volatile metals  
19 based on the highest 12-hour rolling average Veolia  
20 feedrate over a multiyear period should not hinder  
21 Veolia's routine day-to-day operations in any way.  
22 These limits strike a reasonable balance between the  
23 company's need for operational flexibility and  
24 protection of the environment and human health in a  
25 disproportionately affected area. Limiting mercury  
0021

1 to feedrates that performance testing has shown will  
2 not result in excess emissions is warranted, given  
3 the special concerns about mercury deposition in and  
4 around the lakes used for subsistence fishing  
5 identified in EPA's own human health risk assessment  
6 conducted for RCRA permitting.

7 However, we would like to point out  
8 that the proposed mercury limits conflict with the  
9 mercury limits in Veolia's RCRA permit. If Veolia  
10 were to feed mercury continuously at the rate the  
11 EPA is proposing, the amount of mercury fed to the  
12 incinerators each year would exceed the limit of 3.6  
13 kilograms per year specified in Veolia's state RCRA  
14 Part B permit by approximately 93 kilograms. We

15 understand that the title -- the Title V and RCRA  
 16 permits are separate, and that the 3.6 kilograms per  
 17 year mercury (inaudible) --

18 THE REPORTER: Excuse me. Could I ask you  
 19 just to speak up a little bit?

20 MS. KRISTHY ST. HILAIRE: Okay.

21 THE REPORTER: Thank you.

22 MS. KRISTHY ST. HILAIRE: However, the  
 23 mercury feedrate ultimately determines the amount  
 24 fed to the incinerators and, therefore, we urge the  
 25 EPA to consider further restricting the mercury  
 0022

1 feedrate limit in the Title V permit so as to reduce  
 2 the likelihood of Veolia exceeding the limits set in  
 3 the RCRA permit.

4 In the current permitting action, EPA  
 5 is also proposing to supplement monitoring  
 6 requirements to assure compliance with the proposed  
 7 feedrate limits by requiring multi-metals continuous  
 8 emissions of monitoring systems, or CEMS, on one of  
 9 Veolia's three hazardous waste incinerators. This  
 10 is unquestionably a step in the right direction.  
 11 However, we believe that A -- the EPA did not go far  
 12 enough, that the only way to assure compliance with  
 13 the proposed feedrate limits is to require CEMS at  
 14 all three incinerators instead of just the one unit.

15 According to the Statement of Basis,  
 16 CEMS are the most direct means of ensuring --  
 17 ensuring compliance with emissions limits, which  
 18 help protect the public health and the environment.  
 19 Veolia's current procedure for ensurance -- for  
 20 ensuring compliance with emissions limits,  
 21 feedstream analysis, poses several challenges. With  
 22 feedstream analysis, there are uncertainties  
 23 associated with the measurement of extremely low  
 24 metals concentrations in the waste. In addition,  
 25 the heterogeneity of the waste may lead to a  
 0023

1 nonrepresentative sample, and hence, an inaccurate  
 2 estimate of the rate at which metals are being fed  
 3 into the incinerators. Finally, with the feedstream  
 4 analysis, there is an inability to demonstrate  
 5 continuous compliance with regulatory emissions  
 6 limits, since there is generally considerable lag  
 7 time between sampling and analysis.

8 CEMS are the only way for Veolia to  
 9 ensure compliance with emissions limits. Feedstream  
 10 analysis supplemented by periodic performance  
 11 testing does not work, because the feedstreams are  
 12 heterogeneous, which makes accurate estimation of  
 13 metal feedrates very difficult. According to the  
 14 Statement of Basis, some wastes burned by Veolia  
 15 have unknown composition because of -- because their  
 16 composition profiles have not been provided by the  
 17 respective waste generators. In many cases, Veolia  
 18 relies on waste composition analyses supplied by

19 individual waste generators, but those analyses are  
20 not always accurate. The EPA further states that  
21 the performance testing that is conducted  
22 periodically by Veolia provides only a snapshot of  
23 the emissions and does not necessarily represent  
24 actual emission, actual emissions performances with  
25 respect to all waste streams burned by Veolia  
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1 throughout the year. Unless the EPA requires CEMS  
2 on all three incinerators, EPA cannot be certain  
3 that Veolia is in continuous compliance with  
4 feedrate limits.

5 And additionally, we wonder whether  
6 the CEMS monitors can be modified so that they, so  
7 that they also monitor Units 2 and 3 simultaneously.  
8 Incinerators 2 and 3 are based in one building with  
9 a shared control room, waste and feed systems. As a  
10 result, their stacks are in very close proximity to  
11 one another. Because of their proximity, it may be  
12 possible to install only one multi-metal CEM that  
13 can work for both of these combustion units. In  
14 this case, Veolia would only have to purchase two  
15 multi-metal CEMS instead of three, and this will  
16 significantly reduce the financial burden, making  
17 installing CEMS at all three combustion units more  
18 feasible.

19 Another reason why CEMS should be  
20 required on all incinerators at Veolia is because of  
21 Veolia's history of violations and non-compliance.  
22 Most recently, Veolia received a Finding of  
23 Violation in August of 2012 for violations of the  
24 Clean Air Act after an onsite compliance  
25 investigation conducted by EPA's National  
0025

1 Enforcement Investigations Center in December, 2011.  
2 EPA found significant problems with Veolia's  
3 feedstream analysis, where a high percentage of  
4 Veolia's waste profiles were found to be inaccurate.  
5 In some of these waste profiles, Veolia  
6 underestimated the actual metals concentration in  
7 the waste stream. Inspectors also found that Veolia  
8 used generic waste profiles for waste streams that  
9 contain volatile and semi-volatile metals. The use  
10 of overly broad standard profiles leads to incorrect  
11 metals concentrations being used to calculate the  
12 feedrates for the incinerators. Veolia also used  
13 several profiles that use metal concentrations  
14 identical to those used in other profiles, which is  
15 statistically unlikely. Veolia's past record offers  
16 no basis to expect satisfactory performance in the  
17 future. Because of the limitations of Veolia's  
18 feedstream analysis, having a CEMS on just one  
19 incinerator would not paint an accurate picture of  
20 Veolia's compliance with feedrate limits, because  
21 what is burned in the one monitored incinerator is  
22 not representative of what is being burned in the

23 other, in the other two incinerators. All three of  
 24 Veolia's incinerators are fed a heterogeneous waste  
 25 stream, so a continued reliance on feedstream  
 0026

1 analysis for these units would continue to yield  
 2 inaccurate emissions rates. Because of Veolia's  
 3 compliance history, their heterogenous feedstream,  
 4 and its locations in the area with environmental  
 5 justice concerns, CEMS monitors should be placed on  
 6 all three units to ensure compliance with emissions  
 7 limits.

8       Additionally, considering the  
 9 substantial benefits of using CEMS, we believe that  
 10 their use should be required permanently at Veolia  
 11 instead of the proposed one-year period. Veolia's  
 12 feedstream changes from day to day, month to month,  
 13 and year to year, so a one-year trial period would  
 14 not ensure compliance in the future.

15       Our last point of confusion in the  
 16 draft permit we would like to -- we would like  
 17 clarified concerns beryllium. The original permit  
 18 stated on Page 11 under Work Practice and  
 19 Operational Requirements that the permittee shall  
 20 not burn hospital waste -- hospital medical  
 21 infectious waste, municipal waste, or  
 22 beryllium-NESHAP containing waste. The word  
 23 "NESHAP" has been deleted from the condition in the  
 24 draft modified permit, presumably in an attempt to  
 25 clarify the prohibition on burning

0027  
 1 beryllium-containing waste, but we find the  
 2 condition even more confusing now than before. The  
 3 draft -- the draft modified permit now states that  
 4 Veolia cannot burn beryllium-containing waste while  
 5 simultaneously specifying feedrate limits for  
 6 low-volatile metals, which specifically include  
 7 beryllium. We request that EPA clarify the  
 8 prohibition on burning beryllium-containing waste in  
 9 condition 2.1(C)(1).

10       Thank you again for this opportunity  
 11 to speak. In addition to our comments at today's  
 12 hearing, we will be submitting written comments  
 13 before the end of the public comment period.

14       HEARING OFFICER POPE: Are there any other  
 15 comments at this time? Are there any other  
 16 comments?

17       (No response.)

18       MS. GENEVIEVE DAMICO: Let's go off the  
 19 record for a half hour and see if anybody comes.

20       HEARING OFFICER POPE: Unless Mr. Kellmeyer,  
 21 unless you want to do yours? Okay. Otherwise,  
 22 we're going to go off the record for about a half an  
 23 hour. Okay? Thank you.

24       (Off the record at 3:42 p.m.)

25       (Recess)

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1 (Back on the record at 4:16 p.m.)  
2 HEARING OFFICER POPE: Hello everyone. I  
3 see that it's been 30 minutes, and I have no  
4 commenter blue cards in my hand, so what I'd like  
5 the record to show as of now that as of 4:16 p.m.,  
6 since I have no commenter cards, that we are  
7 recessed another 30 minutes.  
8 (Off the record at 4:16 p.m.)  
9 (Recess)  
10 (Back on the record at 4:50 p.m.)  
11 HEARING OFFICER POPE: Our comment period is  
12 starting again, but we have no comments or any blue  
13 cards, so what we'll do is recess another 30  
14 minutes. Thank you.  
15 (Off the record at 4:50 p.m.)  
16 (Recess)  
17 (Back on the record at 5:19 p.m.)  
18 HEARING OFFICER POPE: Hello again,  
19 everybody. I'm going to restart our comment period,  
20 but since there are no blue cards, we'll do another  
21 recess. Another 30-minute recess. Thank you.  
22 (Off the record at 5:20 p.m.)  
23 (Recess)  
24 (Back on the record at 5:51 p.m.)  
25 HEARING OFFICER POPE: Comment period will  
0029  
1 resume. It's not too late to fill out the blue  
2 card, so you still have time to make a public  
3 comment. So we see there are no cards at this time,  
4 so we'll recess another 30 minutes. Thank you.  
5 (Off the record at 5:52 p.m.)  
6 (Recess)  
7 (Back on the record at 6:20 p.m.)  
8 HEARING OFFICER POPE: The public comment  
9 period has opened again. We see there are no  
10 comments at this time. The next public comment  
11 period coming up will be the last one. So the next  
12 public comment period will be the last time to make  
13 your comments, otherwise we'll recess until -- for  
14 30 more minutes.  
15 (Off the record at 6:20 p.m.)  
16 (Recess)  
17 (Back on the record at 6:50 p.m.)  
18 HEARING OFFICER POPE: Our next commenter  
19 will be Joe Kellmeyer.  
20 MR. JOSEPH KELLMEYER: No, I'm opening that  
21 slot up, I'm not commenting. I'll comment only in  
22 writing.  
23 HEARING OFFICER POPE: Okay, let the record  
24 show Mr. Kellmeyer said he will be commenting in  
25 writing.  
0030  
1 Okay, and there are no more  
2 commenters at this time?  
3 (No response.)  
4 Well, this concludes our hearing

5 tonight. Remember, if you did not give oral or  
6 written comments tonight, the public comment period  
7 ends on April 1st; and thank you for coming.

8 Let the record show that it is now  
9 6:51 p.m. on February 19th, 2013, and the hearing  
10 for the Veolia ES Technical Solutions, LLC, draft  
11 operating permit is now closed. Thank you.  
12 (Hearing adjourned at 6:51 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, Pamela K. Needham, Certified Court  
3 Reporter, Notary Public within and for the State of  
4 Missouri, do certify that the witness whose  
5 testimony appears in the foregoing deposition was  
6 duly sworn by me; the testimony of said witness was  
7 taken by me to the best of my ability and thereafter  
8 reduced to typewriting under my direction; that I am  
9 neither counsel for, related to, nor employed by any  
10 of the parties to the action in which this  
11 deposition was taken, and further, that I am not a  
12 relative or employee of any attorney or counsel  
13 employed by the parties thereto, nor financially or  
14 otherwise interested in the outcome of the action.

15

16 -----  
17 Notary Public within and for  
18 the State of Missouri

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